

REMARKS

Claims 12, 13 and 30-34 are now pending in the present application. Claims 1-11 and 14-29 have been canceled by a previous amendment and claims 33 and 34 have been added. Claims 30-32 stand withdrawn from consideration as being directed to a non-elected invention. Claims 12, 32 and 33 are independent. The specification has been amended. Reconsideration of this application, as amended, is respectfully requested.

Election/Restriction

Claims 30-32 stand withdrawn from consideration by the Examiner as being directed to a non-elected invention. The Examiner indicates that rejoinder of claims 30-32 will be considered once claims 12 and 13 are found to be allowable. Applicants appreciate this indication from the Examiner. Since claims 12 and 13 are believed to be allowable, it is requested that the Examiner consider rejoinder of claims 30-32 at this time.

Rejections Under 35 U.S.C. §112

Claims 12-13 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 12 and 13 also stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. These rejections are respectfully requested.

With regard to the Examiner's rejection under 35 U.S.C. § 112, first paragraph, the Examiner has taken the position that the limitation requiring uniform weight/unit area along the edge margin is not enabled by the specification. Although Applicants agree with the Examiner that the specification does not specifically describe the edge margins having a uniform substance weight/unit area, Applicants submit that one having ordinary skill in the art would understand that the edge margins inherently include a uniform substance weight/unit area. Specifically, since the blinding plates 22, 22' obstruct the slurry from passing through the wire 14 in a uniform manner, it is inherent that the substance weight/unit area of the edge margins would be generally uniform as recited in independent claim 12 of the present invention. In addition, it is stated at page 5, lines 15-17 of the present specification that "[p]referred mats for this purpose are of 13 μm diameter glass fibers and have a central substance of about 60 g/m^2 and an edge margin substance of about 27 g/m^2 ." (emphasis added). In view of this, claims 12 and 13 are enabled by the originally filed disclosure.

In view of the above, in order to provide an appropriate written description that indicates that the substance weight/unit area is uniform at the edge margins, the specification has been amended at page 4, first full paragraph to provide an appropriate written description. Applicants submit that no new matter has been entered, since one having ordinary skill in the art would readily understand that the blinding plates 22, 22' would cause the substance weight/unit area of the edge margins to be generally uniform as recited in independent claim 12 of the present invention.

With regard to the Examiner's rejection under 35 U.S.C. § 112, second paragraph, the Examiner questions what the term "substance" means. As explained in the Amendment dated February 12, 2001, the recitation "substance weight/unit area" is not indefinite, but has been used in

order to differentiate from the prior art which discloses a variable density across a width of the material. For the convenience of the Examiner, page 12, line 7 – page 14, line 2 of the Amendment dated February 12, 2001 has been reproduced below.

With regard to the Examiner's assertion that the phrase "a substance (weight/unit area)" is indefinite, Applicants respectfully submit that this phrase is entirely clear. However, the claims have been amended to remove the parenthesis in order to ensure that the weight/unit area portion of the claim is considered to be a part of the claim.

The "substance" of the mat is a property of the mat defined by the weight/unit area of the mat. The weight/unit area of the mat has been chosen by Applicants to be referred to as the substance of the mat, since there is no known term to refer to the weight/unit area of the mat. Applicants can be their own lexicographers as long as a term used is not repugnant to its ordinary meaning. It should be pointed out that weight/unit area is not equivalent to density as in much of the prior art cited by the Examiner, since the density of the mat varies across its width, generally by the mat being compressed in particular regions. The substance weight/unit area of such mats remain constant across the mat; however, in the present invention, the substance weight/unit area varies in a cross-direction of the mat. If Applicants were to refer to the density of the mat as the substance of the mat, this would be improper, since the term substance would be repugnant to the ordinary meaning of the term density. In the present case, there is no word for the weight/unit area and therefore the term "substance" can be used to refer to this measurement of a mat.

In view of the above, Applicants respectfully submit that the recitation "a substance weight/unit area" is definite and clear. Furthermore, referring to page 1, last paragraph, the recitation "substance weight/unit area" has support in the present disclosure. In addition, referring to page 5, first full paragraph, it is clear that the substance varies about the cross direction of the mat, since the central substance is referred to as being about 60 g/m^2 and an edge margin substance is about 27 g/m^2 . In particular, the substance of the mat is the amount of fibers that are in a given portion of the mat. Accordingly, the amount of material in the center of the material is higher than the amount of material at the edge margins. Applicants have referred to the amount of the material at a given portion of the mat as being the substance at a given portion of the mat that is measured in weight/unit area. Applicants respectfully submit that this recitation is clear in view of the present specification and therefore the claims are not indefinite under 35 U.S.C. § 112, second paragraph.

Taking the above into consideration, it is clear that the term “substance” means the amount of fibers in a given portion of the mat, which is defined by the weight/unit area of the mat. Therefore, the recitation “substance” is definite and clear.

In view of the above remarks, Applicants respectfully submit that claims 12 and 13 are enabled by the original disclosure, definite and clear. Accordingly, reconsideration and withdrawal of the Examiner’s rejections under 35 U.S.C. § 112 are respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 12 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pelz, U.S. Patent No. 4,812,194. These rejections are respectfully traversed.

The present invention is directed to a non-woven mat of glass fibers and a cementitious board having a sheet of a non-woven mat of glass fibers embedded therein. An embodiment of the present invention is exemplified by independent claim 12. Independent claim 12 recites a combination of elements including the recitation “wherein the substance weight/unit area of the at least one edge margin is generally uniform across an entire width of the at least one edge margin.” Furthermore, independent claim 12 recites that the substance weight/unit area varies in the cross direction of the mat and that the mat is “permeable to a gypsum plaster slurry.” Applicants respectfully submit that the Pelz reference relied on by the Examiner fail to teach these aspects of the present invention.

The Examiner relies on FIG. 2 of the Pelz reference in order to disclose claim 12 of the present invention. As disclosed by Pelz, the edge zone 4 is compressed during a molding process more than a central portion of the material (see column 4, lines 33-39). Compressing the material does not change

the substance weight/unit area, but only changes the density of the material at the edge margin. Referring to column 4, lines 15-16 of Pelz, it is disclosed that an ultrafine non-woven fiber glass fabric has a weight/unit area of 600 g/m^2 . There is no disclosure in Pelz of making the weight/unit area of the edge margins to have a "lower substance weight/unit area" than the remainder of the material as recited in independent claim 12 of the present invention. In order for the substance weight/unit area to be changed, it would be necessary for there to be less fibers glass fibers at the edge margins of the material. Compressing the material at the edge margins does not decrease the amount of material at the edge margins, it only increases the density of the material at the edge margins.

In the present invention; however, the amount of fibers is less at the edge margins and therefore the substance weight/unit area of the edge margins is less than the remainder of the mat. Since the Pelz reference fails to disclose a substance weight/unit area at the edge margins of the material to be less than the remainder of the material, Applicants respectfully submit that the Pelz reference fails to anticipate independent claim 12 of the present invention.

With regard to dependent claim 13, Applicants respectfully submit that this claim is allowable due to its dependence on independent claim 12, as well as due to the additional recitations in this claim.

In view of the above remarks, Applicants respectfully submit that claims 12 and 13 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

Additional Claims

Additional claims 33 and 34 have been added for the Examiner's consideration. Applicants respectfully submit that claims 33 and 34 are directed to the elected invention, since claims 33 and 34 are not distinct from elected claims 12 and 13. Specifically, claims 33 and 34 are directed to a cementitious board that includes the non-woven mat of glass fiber recited in claims 12 and 13, respectively. In view of this, the Examiner should examine claims 33 and 34 along with the elected invention.

It is believed that claims 33 and 34 are allowable for the same reasons mentioned above with regard to independent claims 12 and 13. Favorable consideration and allowance of claims 33 and 34 are respectfully requested.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn.


It is believed that a full and complete response has been made to the Office Action, and as such, the present application is in condition for allowance.

In the event there are any outstanding matters remaining in this application the Examiner is invited to contact Mr. Paul C. Lewis (Reg. No. 43,368) at (703) 205-8000 in the Washington, D.C. area to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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